

BUSINESS & LABOR

Amendments to House Bill No. 630
3rd Reading Copy

EXHIBIT NO. 1DATE 4/1/05BILL NO. HB 630

Requested by Representative Scott Mendenhall

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
March 22, 2005 (8:32am)

1. Title, page 1, line 5.

Strike: "AND A REGULATORY FLEXIBILITY ANALYSIS"

2. Title, page 1, lines 7 through 8.

Strike: "AND" on line 7 through "ANALYSES" on line 8

3. Title, page 1, lines 9 through 11.

Strike: "AND REGULATORY" on line 9 through "FLEXIBILITY ANALYSES"
on line 10

Strike: "REVISING CERTAIN" on line 10 through "RULES;" on line 11

4. Title, page 1, line 12.

Following: "2-4-314,"

Insert: "2-4-402, AND"

Following: "2-4-406"

Strike: "AND 2-4-506,"

5. Page 1, lines 16 through 17.

Following: "(1)"

Strike: "Prior to" on line 16 through "businesses." on line 17

Insert: "Except as provided under emergency rulemaking in 2-4-303, each proposed rule must contain an analysis of the impact the proposed rule will have on small businesses."

Following: "If" on line 17

Strike: "the"

Insert: "an"

6. Page 1, line 18.

Following: "that"

Strike: "the"

Insert: "a"

7. Page 1, line 19.

Following: "published."

10. Page 1.

Following: line 29

Insert: "(4) The information in this section must be compiled on a form developed by the secretary of state and adopted by the attorney general as a sample form in model rules. The secretary of state shall solicit input from state agencies on the content of the form. The form must be filed by an agency with a proposed rule and published by the secretary of state with a proposed notice in the register. The form is not to be printed in the ARM following final adoption of a rule."

11. Page 2, lines 1 through 21.

Strike: section 2 in its entirety

Renumber: subsequent sections

12. Page 4, lines 28 through 29.

Strike: ", regulatory" on line 28 through "analyses," on line 29

13. Page 5, line 12.

Strike: "and regulatory flexibility analysis"

14. Page 5, line 15.

Following: "notice"

Strike: "1"

Insert: "and"

15. Page 5, line 16.

Strike: ", and regulatory flexibility analysis"

16. Page 5, line 26.

Strike: "and the regulatory flexibility analysis"

17. Page 6, lines 6 through 16.

Strike: "be based on:" on line 6 through "evaluated"

Insert: "consider whether the rule may have any significant adverse impacts to small business that have not been considered previously"

18. Page 6.

Following: line 18

Insert: "section"

24. Page 8, line 5.

Strike: "and 2"

- END -

Insert: "Section 6. Section 2-4-402, MCA, is amended to read:

"2-4-402. Powers of committees -- duty to review rules. (1)
The administrative rules review committees shall review all proposed rules filed with the secretary of state.

(2) The appropriate administrative rule review committee may:

(a) request and obtain an agency's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter; and

(f) review the small business impact statement for compliance with [section 1]."

{Internal References to 2-4-402: None.}"

Renumber: subsequent sections

19. Page 6, line 24.

Following: "2-4-305,"

Insert: "and"

Strike: "and [section 2],"

20. Page 7, line 7.

Following: "2-4-305,"

Insert: "and"

Strike: ", and [section 2]"

21. Page 7, lines 12 through 28.

Strike: section 8 in its entirety

Renumber: subsequent sections

22. Page 8, line 3.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

23. Page 8, line 4.

Strike: "sections"

Strike: "If the"
Insert: "(2) If an"
Following: "that"
Strike: "the"
Insert: "a"
Following: "may have"
Strike: "an"
Insert: "a significant"

8. Page 1, line 20.

Following: "businesses"
Insert: "in comparison with other businesses"

9. Page 1, lines 22 through 27.

Strike: "(a) an identification" on line 22 through "proposed rule." on line 27

Insert: "(a) a general narrative and overview of the effect of the rule on small business that is written in plain, easy-to-read language;

(b) an explanation of the basis for the adoption of the rule;

(c) an estimate of the types and numbers of small businesses subject to the rule;

(d) a description of any additional reporting or recordkeeping requirements for small businesses;

(e) a list of the professional skills necessary to prepare any reports;

(f) an estimate of additional annual costs to small businesses to comply with the rule;

(g) a description of the impacts the proposed rule may have on the workforce impacted by the rule; and

(h) a regulatory flexibility analysis that provides a description of any alternatives that were considered to decrease the impact to small business and the reasons for not selecting those alternatives. The regulatory flexibility analysis must include consideration of:

(i) the availability of less burdensome compliance or reporting requirements and schedules or deadlines for compliance or reporting;

(ii) consolidation of compliance or reporting requirements;

(iii) adoption of performance standards for small businesses to replace design or operational standards; and

(iv) implementation of regulatory methods that will accomplish the objectives of the law while minimizing adverse impacts on small businesses when consistent with public health, safety, and environmental and economic welfare."

Renumber: subsequent subsections